

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACK ROGERS and
PAUL PINELLA,

Plaintiffs,

v.

COMCAST CORPORATION and
AT&T BROADBAND,

Defendants.

Case No. 04-10142-EFH

**DEFENDANTS COMCAST CORPORATION AND
AT&T BROADBAND'S MOTION TO COMPEL ARBITRATION**

Defendants Comcast Corporation ("Comcast") and AT&T Broadband (together "Defendants") hereby move this Court to compel arbitration of the above-captioned matter, and stay or dismiss this action pending arbitration, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 2-4. As set forth more fully in the accompanying Memorandum of Law and supporting affidavit of William Devine submitted herewith as Exhibit 1, the plaintiffs are required to arbitrate this dispute, and this Court should proceed no further on Plaintiffs' claims.

WHEREFORE, Defendants respectfully request that this Court enter an order:

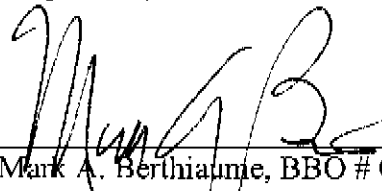
- (1) compelling arbitration of this dispute and staying or dismissing this action pending arbitration;
- (2) awarding Defendants their costs, including attorney's fees, in bringing the present motion; and
- (3) granting such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 7.1(D) of the Local Rules of the United States District Court for the District of Massachusetts, Comcast and AT&T Broadband's request oral argument on this motion. Comcast and AT&T believe that oral argument will assist the Court in resolving the issues in dispute.

DATED: March 12, 2004

Respectfully Submitted,



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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

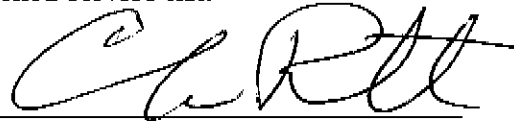
Pursuant to Local Rule 7.1(A)(2), I hereby certify that counsel for Defendants Comcast and AT&T Broadband conferred in good faith with counsel for the plaintiffs on March 12, 2004 in an attempt to resolve or narrow the issues addressed by this motion.

A handwritten signature in black ink, appearing to read 'C. Robertson', written over a horizontal line.

Christopher F. Robertson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2004, the foregoing was served via Facsimile and U.S. Mail, upon the parties on the attached service list.

A handwritten signature in black ink, appearing to read 'C. Robertson', written over a horizontal line.

Christopher F. Robertson

SERVICE LIST

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